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REMARKS35 USC §112 Rejections:

2. Claims 8 and 9 were rejected under 35 USC Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are of "comprising" scope dependent from claims of "consisting" scope. Thus, the Examiner submits that these claims are broader than the claim they modify.

Applicants have amended claims 8 and 9 to clarify that the amount of water present in part "b" of the liquid formulation is changed from "at least 35 parts water" to "at least 50 parts water" and "at least 75 parts water," respectively. Applicants respectfully submit that requiring the liquid formulation to include more water is actually narrowing the scope of independent claim 1. Applicants respectfully submit that the amendments made to claim 8 and 9 clarify this limitation. Thus, reconsideration and withdrawal of this rejection is earnestly requested.

35 USC §103 (a) Rejections:

4. Claims 1 – 5, 8 – 12, 18, 31 and 34 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126).

Examiner's Arguments

The Examiner submits that Trinh discloses (a) a substantially nonabrasive, liquid car cleaner composition which cleans car surfaces without an external source of water to wash or rinse (Abstract); (b) that the product is a composition of up to 30% polymeric solids, up to 95% liquid carrier and a suspension aid (Abstract); (c) that other optional ingredients such as waxes, fluorosurfactants, anticorrosion agents, antistatic agents, sunscreens agents, inorganic mild abrasives, pigments, perfumes, and preservatives can also be used for added benefit (col. 2, lines 64-68); (d) that the composition comprises organic polymeric solids selected from the group consisting of porous and/or nonporous powdered particles in the particle size range of from 1 micron to about 250 microns (col. 2, lines 37 – 42); (e) that mixtures of water and aliphatic hydrocarbon (oil) solvents are used as the liquid carrier at levels up to 95% by weight and the hydrocarbons can boil as high as 300 degrees C; (f) that both surfactants and thickeners are used as the suspending

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agent; and (g) the surfactants are also used as emulsifier and cleaning aid (col. 2, lines 53-56 and 59-62).

Suitable polymeric particulate materials can be synthetic or naturally-occurring polymeric materials such as polyethylene, polypropylene, polystyrene, polyester resin, urea-formaldehyde resin, polyvinyl chloride, polyacrylics, polyamide and copolymers, and cellulosic materials (col. 3, lines 34-44).

The Examiner notes that the reference fails to teach the particle size of calcium carbonate used. However, the Examiner submits that the reference teaches mild inorganic abrasives such as calcium carbonate powder (col. 6, lines 28 – 31) and further teaches the particle sizes of other solids that are present. Thus, the Examiner believes there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggests a particle size of other solids to be suspended.

The Examiner also notes that the reference fails to teach the specific surfactant of claim 11. However, the Examiner submits that there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art does suggest that any surfactant that is compatible with the system may be used.

The Examiner also notes that the reference fails to teach that the acrylic component disclosed is an acrylic stain resistant agent. However, the Examiner believes that since the reference teaches that acrylic additives may be used, there would be a reasonable expectation of success that material of the same structure will have similar properties.

With regard to Applicants' assertion that there is no motivation to modify the silicone containing composition of the reference to arrive at applicants' composition, the Examiner states that this is not persuasive because the reference clearly teaches that silicone is preferred but optional nonetheless.

Applicants' Arguments

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations

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must be considered. Applicants respectfully submit that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Trinh teaches the use of silicone materials in their cleaning composition to enhance the appearance of car surfaces, improve the ease of application and removal of the cleaner and to make the car surfaces water repellent for added protection (col. 5, line 68 to col. 6, line 4). Trinh specifically exemplifies the use of 4% by weight of silicone in each of Examples I through XVI. Trinh also claims the use of silicone in claims 1 and in claims 31-33. These properties, such as improving ease of application and removal of the cleaner and making the surface water repellent, would similarly be ideal for Applicants' cleaning composition on a textile article. However, Applicants have provided evidence in the 1.132 Declaration (submitted October 12, 2006) that the use of silicone materials, as taught by Trinh, is actually detrimental to the cleaning of textile articles.

Thus, Applicants respectfully submit that there is no motivation provided by the reference for modifying the silicone-containing composition taught by Trinh to arrive at Applicants' claimed invention. Additionally, no reasonable expectation of success is provided that in modifying the composition of Trinh, one of ordinary skill in the art would arrive at Applicants' claimed invention. Further, Trinh does not teach the specific combinations of chemicals suitable for cleaning textile substrates, as currently claimed by Applicants. As such, Applicants respectfully submit that all of the claim limitations have not been considered.

Furthermore, Applicants note that MPEP 2144.04 states that the elimination of an element while retaining its function is an indicia of non-obviousness. Applicants respectfully submit that elimination of silicone from the composition of Trinh, while maintaining its function (i.e. the composition is still easy to apply and remove from the treated surface, etc.) has been achieved by Applicants claimed composition. Accordingly, Applicants respectfully submit that the presently claimed invention is not obvious over the teachings of Trinh. Thus, Applicants respectfully request reconsideration and withdrawal of this rejection.

In addition, Applicant respectfully submits that the rejection fails to establish a *prima facie* showing of obviousness, since the reference teaches away from Applicant's claimed invention. Case law states that "[A] prior art reference may be considered to teach away when 'a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.'" Monarch

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Knitting Machinery Corp. v. Sulzer Morat GmbH, 1998 WL 117765 at *8 (Fed. Cir. 1998); In re Gurley, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994).

Applicants respectfully assert that the teaching by Trinh of silicone-containing compositions and the test results provided by Applicants in the Declaration provide evidence that the Trinh reference actually teaches away from Applicants' claimed invention, since Trinh teaches the use of compounds which deleteriously affect the cleaning ability of Applicants' composition. Thus, Applicants assert that one of ordinary skill in the art would not look to a composition that contains silicone compounds to create a composition ideally suited to clean textile substrates. It simply would not be an obvious choice. As such, in light of the Declaration contents and the claim amendments contained herein, Applicants respectfully submit that this rejection is improper. Reconsideration and withdrawal is earnestly requested.

5. Claims 37 and 39-42 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126) further in view of Froehlich (US Patent No. 3,910,848) or Brown (US Patent No. 5,514,302).

Examiner's Arguments

The Examiner relies on the discussion of Trinh presented previously. Trinh fails to teach that aerosol may be used with the liquid cleaner of the variety disclosed; thus, the Examiner relies upon Froehlich or Brown for such a teaching.

The Examiner submits that Froehlich teaches that a cleaning composition containing polymer urea-formaldehyde polymer particles having a particle size of from 10 to 105 microns and an oil value of at least 90, a halogenated solvent boiling at from 45 degrees to 120 degrees C, a silica antisetling agent, a cationic antistatic agent, and an aerosol propellant selected from at least one of trichlorofluoromethane; dichlorofluoromethane; 1,2-dichlorotetrafluoroethane; propane; isobutene and butane (col. 1, lines 37-60). Thus, the Examiner submits that there is a reasonable expectation of success that an aerosol may be used with the composition of the reference as the composition of the secondary reference has similar structural properties, uses and components.

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The Examiner submits that Brown teaches "an improved aqueous fabric cleaning shampoo composition fabric solid cleaning polymer, surfactant in water" (?????) which may be in the form of as self-pressurized aerosol, with a conventional propellant such as dimethyl ether or one or more saturated alkanes containing from 2 to 6 carbon atoms such as propane, isopropane, n-butane, isobutene, isopentane or n-hexane is added through the valve. Although the reference does not disclose the use of an aerosol propellant, the use of aerosols with cleaning compositions is well known in the art. Therefore, there is a reasonable expectation of success that an aerosol may be used with the composition of the reference as the composition of the secondary reference has similar structural properties, uses and components.

Applicants' Arguments

Applicants respectfully rely on the discussion presented above with regard to the deficiencies of Trinh and note that the Examiner cites Froehlich and Brown for a teaching of aerosol compounds.

Applicants note that claims 39 and 40 do not recite an aerosol propellant. Thus, Applicants rely on the arguments presented above with respect to claims 1-5, 8-12, 18, 31 and 34 and respectfully submit that the teachings of Trinh fail to provide a *prima facie* case of obviousness over claims 39 and 40, as presented in detail above.

With regard to claims 37 and 41-42, Applicants respectfully rely on the discussion presented above with respect to the teachings of Trinh and submit that the combination of Trinh and Froehlich and the combination of Trinh and Brown fail to provide a *prima facie* case of obviousness over Applicants' claims. Applicants respectfully assert that Froehlich and Brown do not provide for the deficiencies of Trinh, as set forth above. Accordingly, Applicants respectfully submit that this rejection is improper. Reconsideration and withdrawal of this rejection is earnestly requested.

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JUN 30 2008

Conclusion:

For the reasons set forth above, it is respectfully submitted that claims 1 – 5, 8 – 12, 18, 31, 34, 37 and 39-42 now stand in condition for allowance.

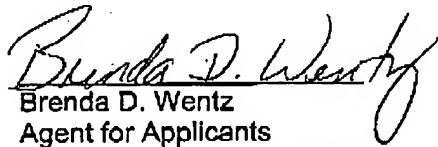
Should any issues remain after consideration of these Remarks and Amendments, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

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